



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

FEB 29 2008

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

Harold Leggett, Ph.D.  
Secretary  
Louisiana Department of Environmental Quality  
P.O. Box 4301  
Baton Rouge, Louisiana 70821-4301

Dear Dr. Leggett:

We are in receipt of Assistant Secretary Peggy Hatch's letter of February 22, 2008 (Enclosure 1), in which she requests on behalf of the Louisiana Department of Environmental Quality (LDEQ) that the United States Environmental Protection Agency (EPA) extend the February 3 and 24, 2006, and the February 2, September 28, and December 26, 2007, No Action Assurance letters (hereinafter collectively referred to as the NAAs) (Enclosures 2, 3, 4, 5 and 6). These NAAs provide flexibility for certain provisions of the National Emission Standard for Asbestos (asbestos NESHAP), 40 CFR Part 61, Subpart M, for demolition activities necessitated by Hurricanes Katrina and Rita, and expire on February 29, 2008.

EPA recognizes the ongoing challenge Louisiana has faced since Hurricane Katrina made landfall on August 29, 2005, followed by Hurricane Rita on September 24, 2005. EPA and other federal agencies have worked with LDEQ to address these challenges over the last two and a half years. In my December 26, 2007 letter extending the demolition NAAs for residential homes, I noted that we were committed to continuing to work with LDEQ while both ensuring the protection of public health and the environment and working toward compliance with the asbestos NESHAP. In a letter dated February 19, 2008, the Federal Emergency Management Agency (FEMA) extended its Interagency Agreement (IAA) with Region 6 to provide funding for many of the Region 6 oversight activities taking place in connection with these NAAs through August 29, 2008 (Enclosure 7). In the letter, FEMA specifically asks EPA to provide an exit strategy to address the transition between EPA, the United States Army Corps of Engineers, and LDEQ that will address the work anticipated through August 29, 2008. EPA will work with LDEQ to finalize an exit strategy, and we further desire to work with LDEQ to transition away from the NAAs and toward full compliance with the asbestos NESHAP, as implemented by LDEQ through its authorized Louisiana Emission Standards for Hazardous Air Pollutants (LESHAP) program.

EPA has considered FEMA's decision and the information provided by LDEQ in recent conversations between our staffs and in Assistant Secretary Hatch's letter, most notably the significant volume of remaining homes that still require expeditious demolition (estimated at 12,000 to 15,000 in the Parishes covered by the NAAs). EPA has also reviewed the data from asbestos air monitoring that has been obtained through the ongoing oversight activities undertaken by Region 6 and LDEQ, and has not identified any human health concerns from that review. In light of all of these considerations, today EPA is exercising its enforcement discretion and extending the NAAs through August 29, 2008.

Today's extension is conditioned on continuation of the oversight activities described in the previous NAAs, as well as all the other conditions specified in the NAAs. LDEQ must immediately notify EPA Region 6 if it becomes aware of any information indicating that it is not advisable for EPA to continue to allow the flexibility provided in today's NAA extension. EPA reserves the right to revoke or modify the NAAs that are extended by way of this letter, as well as the extension itself, if the Agency believes that such action is necessary to protect public health and the environment.

In addition, as is the case with the NAAs that are being extended in this letter, this NAA extension does not apply to any other federal requirements that may apply to residential demolition and disposal activities (other than the asbestos NESHAP provisions specifically discussed in the NAAs and herein).

Through today's extension of the NAAs, EPA is continuing its commitment to work with LDEQ in addressing the very difficult circumstances caused by Hurricanes Katrina and Rita. If you have any questions, please give me a call at 202-564-2440, or have your staff call Randy Hill of my staff at 202-564-2220 or John Blevins of EPA Region 6 at 214-665-2210.

Sincerely,

A handwritten signature in blue ink, reading "Granta Y. Nakayama".

Granta Y. Nakayama  
Assistant Administrator

Enclosures

cc: Richard Greene, Regional Administrator, Region 6  
Peggy M. Hatch, Assistant Secretary, LDEQ  
Cheryl Nolan, Assistant Secretary, Office of Environmental Services